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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,056	07/31/2003	Priti Bavaria	AUS920030473US1	3503

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IBM CORP (YA)  
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EXAMINER
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IBRAHIM, MOHAMED

ART UNIT	PAPER NUMBER
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2144

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/631,056

Applicant(s)

BAVARIA ET AL.

Examiner

Mohamed Ibrahim

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/31/2003, 11/13/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-18 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claim 7, the claim as currently phrased may be embodied in a software alone system. As evidence by the language of claim 13. Moreover, the memory recited in the claim is not an element in the system rather it is an element that interact with the system. Therefore, claim is found to be directed to software per se and according it is found to be non-patent eligible.

As per claim 13, the claim is directed to a computer program embodied in a computer readable medium however, page 21 of the specification states that the computer readable may take in the form of transmission-type media such as radio frequency and light wave transmissions. These are forms of energy such as signals; therefore the claim is directed to non-statutory subject matter.

The rejection make to above independent claim (7, 13), carries over and equally applies to their respective dependent claims.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-7, 9-13, and 15-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kartoz, U. S. Patent No. 7024547.

Regarding claim 1, Kartoz discloses a method in a data processing system for identifying device configurations (see e.g. col. 2 lines 7-33; discovering and initializing device within a computer system during the booting), the method comprising: identifying unique identification information for a set of devices in the data processing system to form identified unique identification information (see e.g. col. 4 lines 17-43; memory devices has an associated reference identification data which is unique to each particular device); comparing the identified unique identification information with previously identified unique identification information (see e.g. col. 3 line 66-col. 4 line 16 and col. 4 lines 56-64; when the computer is booted it does a device discovery step which checks to ascertain or determine whether or not the configuration of the memory devices have changed using the reference identification data acquired during the previous boot); moving configuration data to a memory for devices in the set of devices in which a match exists between the identified unique identification information and the previously identified unique identification information for devices (see e.g. col. 4 line 64-col. 5 line 4; if the if the reference identification data of the device match, the system uses the reference initialization data to initialize the device); and obtaining configuration

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information from a device in which configuration information is absent in the memory after configuration data has been moved to the memory for the devices to form a current set of configuration data for the set of devices (see e.g. col. 4 lines 17-32 and col. 5 lines 5-9; when it is determined that the configuration has changed, a device discovery and initialization procedure is performed to obtain the reference data uniquely associated with that particular device).

Regarding claim 3, Kartoz discloses wherein the unique identification information is a unique device identifier (see e.g. col. 4 lines 37-38).

Regarding claim 4, Kartoz discloses wherein the current configuration data for the set of devices is stored in a set of files (see e.g. col. 5 lines 50-61).

Regarding claim 5, Kartoz discloses wherein the unique identification information is identified by reading the unique identification information from the set of devices (see e.g. col. 6 lines 4-9).

Regarding claim 6, Kartoz discloses wherein the previously identified unique identification information is stored in table associated with the configuration data for the set of devices (see e.g. fig. 9a and col. 4 lines 44-55).

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Claim 7 list all the same elements of claims 1, but in system form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 7.

Claims 9-12 list the same limitations as claims 3-6. Therefore, the supporting rationale of the rejection to those claims equally applies here.

Claim 13 list all the same elements of claims 1, but in computer program product form rather than method form. Therefore, the supporting rationale of the rejection to claim 1 applies equally as well to claim 13.

Claims 15-18 list the same limitations as claims 3-6. Therefore, the supporting rationale of the rejection to those claims equally applies here.

Claim 19 is substantially the same as claim 1 and is thus rejected for reasons similar to those in rejecting claim 1. Furthermore Kartz discloses a bus system (see e.g. col. 3 lines 29-33), communication unit (see e.g. col. 2 line 26-29) a memory (see e.g. col. 6 line 50) and a processing unit (see e.g. col. 6 line 49).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kartoz in view of Zintel, U. S. Patent No. 6779004.

Regarding claims 2, 8 and 14, Kartoz discloses the invention substantially as claimed.

Kartoz does not explicitly disclose storing unique device identifiers in a random access memory (RAM). However, Zintel discloses system for auto-configuring of peripherals that stores unique device identifier in random access memory (see e.g. col. 44 lines 2-7 and col. 45 lines 49-54). At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the reference unique identification of a device found in Kartoz using Random Access Memory (RAM). Motivation for doing so would have been obvious for the fact that RAM give computer the ability to find and go directly to the particular storage location without having to search sequentially from the beginning location. Especially it is useful in the initial program load in operating systems as it expedites the finding of configuration files of the connected devices.

### ***Conclusion***

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to form PTO-892 (Notice of Reference Cited) for a list of relevant prior art.

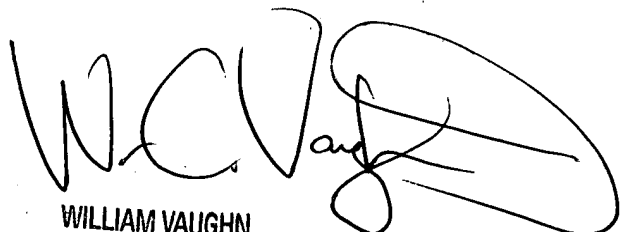
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohamed Ibrahim whose telephone number is 571-270-1132. The examiner can normally be reached on Monday through Friday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn, Jr. can be reached on 571-272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MII/mi

  
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